

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

W.A.No.2409 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).27145/2006 DATED 20/10/2006
.....

APPELLANT/2ND RESPONDENT:-

THE STATE INFORMATION COMMISSION, KERALA
(REPRESENTED BY ITS SECRETARY),
PUNNEN ROAD, THIRUVANANTHAPURAM.

BY ADV. SRI.M.AJAY, SC, STATE INFORMATION COMMISSION

RESPONDENTS/PETITIONER & 1ST RESPONDENT:-

1. MOHAMMED SIRAJUDDIN C., S/O.T.UMMER,
KOOFIYA, P.O.PERINGATHOOR, THALASSERY.
2. THE STATE PUBLIC INFORMATION OFFICE,
THE DIRECTORATE OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

R2 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:-

V.K.Bali,C.J. & C.N.Ramachandran Nair,J.

W.A.No.2409 of 2006

Dated, this the 21st day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

We are surprised why the appellant at all has filed this appeal. The petitioner, now arrayed as 1st respondent in the present appeal, only sought a direction to the appellant to dispose of Exhibit P4 appeal. The operative part of the order impugned in the present appeal reads as follows:-

“In the facts and circumstances of the case, I direct the 2nd respondent to consider and pass appropriate orders on Ext.P4, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. While doing so, the 2nd respondent shall also consider the question as to whether it is necessary to impose penalty on the 1st respondent for giving incorrect information, if the 2nd respondent has powers to do so under the Right to Information Act.

The writ petition is disposed of as above”.

2. Counsel for the appellant contends that no occasion had arisen for the learned Single Judge to give directions as reproduced above, as no request was made by the writ petitioner before the appellant for disposal of the appeal. This argument

may not be correct as it is not necessary that the petitioner must seek disposal of his lis by the concerned authority and then only approach the High Court for directions. Even otherwise, such directions are given considering the totality of the facts and circumstances of the case, which again do not require any prior request to be made for give such directions to the concerned authority. No merits. Dismissed.

V.K.Bali
Chief Justice

C.N.Ramachandran Nair
Judge

vku/-